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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,469	09/19/2003	Katell Decamp	43869.046100	8868
32361	7590	06/09/2005	EXAMINER	
GREENBERG TRAURIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/666,469	DECAMP, KATELL
	<b>Examiner</b> Michael J Kyle	<b>Art Unit</b> 3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (U.S. Patent No. 4,630,983) in view of Takahashi et al (“Takahashi”, U.S. Patent No. 5,850,676). Fischer discloses a peg (1-5), an inertial unit (12) having a sleeve (13), and a rack (11). The peg (1-5) comprises an anterior portion (5) that is introduced, with clearance, into a sleeve (13) of the component (12). A posterior fixing part (between 1 and 5, in figure 1) is inserted in the sleeve without clearance. The posterior fixing part is designed to compensate for clearance and has a diameter greater than a diameter of the sleeve. The peg is slotted (3). Fischer shows only one assembly of a peg and sleeve, not a plurality, as claimed.

3. Takahashi teaches a plurality of assemblies (10, 46, and 48, see figure 2) comprising an inertial unit (44), a rack (42), pegs (10), and sleeves (48). Using a plurality of peg and sleeve assemblies, as opposed to a single peg and sleeve to fasten one part to another creates a stronger connection. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Fischer, such that a plurality of pegs and sleeves, as taught by Takahashi, are used to fasten to the rack (11) to the inertial unit (12). Using more fasteners provides more support for the rack on the inertial unit.

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4. With respect to claims 3 and 4, Fischer discloses he peg has lateral flats (on 8) and the posterior fixing portion has a cylindrical part.

5. With respect to claims 5 and 6, Fischer discloses the posterior fixing portion has a part that that is inserted with clearance (where 1 meets the portion having the slot 3). That part is frustoconical and situated behind the cylindrical part. Examiner considers both the portions to the left and the right of the frustoconical part to be cylindrical portions.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Takahashi, as applied to claim 6 above, further in view of King, Jr. ("King", U.S. Patent No. 3,962,775). Fischer and Takahashi fail to disclose the peg to be coated with a graphite deposit.

7. King teaches the use of graphite on an expansion, in a sleeve, such as graphite, as a lubricant (column 12, lines 4-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Fischer and Takahashi, such that a graphite deposit is included on the peg of Fischer, to lubricate the peg, thereby allowing easier insertion into the sleeve.

#### *Response to Arguments*

8. Applicant's arguments filed April 28, 2005, have been fully considered but they are not persuasive. Initially, examiner notes the Takahashi has is now included in the rejections of claims 1-7, for the teaching of plurality of assemblies.

9. In the instant application a "rack" is defined as "any type of support likely to possess fixing pegs, such as a true rack, a trestle, a casing, a chassis, etc." (page 1 ,lines 10-12). Additionally, the specification describes an "inertial unit" as being allowed to "be subjected to

the same movements as the craft" (page 1, lines 13-14). The support 11 and component 12 of Fischer meet the definitions of the rack and inertial unit. Specifically, the support of Fischer is described as a wooden lath 11. A lath is a support for tiles, slates, or plaster. Fischer describes component 12 as a piece of masonry. This meets the description of the inertial unit described in the specification in that it is attached to the rack, and is allowed to be subjected to the same movements as a craft.

10. Applicant argues that the pin of Fischer is not part of the article being fixed. Examiner notes that this limitation is not claimed. The claim calls for a plurality of assemblies of a peg and of a sleeve of an inertial unit and rack. As presently claimed, the peg is not specifically associated with either the inertial unit or the rack.

11. Applicant argues that function of the Fischer patent is different than the function of the present invention. Specifically, applicant points out the function of Fischer's pin is compensate for the tolerance in the drilled holes, while the function of the present invention is to compensate for the clearance in the sleeve. Examiner notes that because Fischer's peg or pin meets all of the structural limitations of the claimed peg, that it is capable of performing the same function.

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



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